

EXHIBIT 4

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
Page 1

RE: In re: McCRAY, RICHARDSON,
SANTANA, WISE
and SALAAM Litigation,

Docket No. 03 CV 9685 (DAB) (RLE)

99 Park Avenue
New York, New York
April 23, 2013
10:06 a.m.

EXAMINATION BEFORE TRIAL of LINDA
FAIRSTEIN, a Defendant in the
above-entitled action, held at the above
time and place, taken before Alice
Schulman, a Notary Public of the State of
New York, pursuant to Notice and
stipulations between Counsel.

* * *

VERITEXT REPORTING COMPANY

212-267-6868

www.veritext.com

516-608-2400

NYCLD_038869

Page 2

1 APPEARANCES:

2

3 ROGER S. WAREHAM, ESQ.

4

Attorney for Plaintiffs

5 ANTRON McCRAY, RAYMOND

6 SANTANA and KEVIN RICHARDSON

7 394 Putnam Avenue

8 Brooklyn, New York 11216

9 -and-

10 MICHAEL W. WARREN, P.C.

11 Attorney for Plaintiffs

12 ANTRON McCRAY, RAYMOND

13 SANTANA and KEVIN RICHARDSON

14 580 Washington Avenue

15 Brooklyn, New York 11238

16

17 BY: MICHAEL W. WARREN, ESQ.

18

EVELYN WARREN, ESQ.

19

20 BELDOCK LEVINE & HOFFMAN LLP

21

22 Attorneys for SALAAM Plaintiffs

23 99 Park Avenue

24 New York, New York 10016-1503

25

BY: MYRON BELDOCK, ESQ.,

KAREN DIPPOLD, ESQ.,

JOSHUA S. MOSKOVITZ, ESQ.,

PETER MATORIN, ESQ.,

CYNTHIA ROLLINGS, ESQ.

(PM ONLY)

26

27 FISHER, BYRIALSEN & KREIZER, PLLC

28

29 Attorneys for Plaintiff

30 KHAREY WISE

31 291 Broadway, Suite 709

32 New York, New York 10007

33

34 BY: JANE FISHER-BYRIALSEN, ESQ.,

35 DAVID P. KREIZER, ESQ.

36 KAITLIN F. NARES, INTERN

37

38

VERITEXT REPORTING COMPANY
212-267-6868

www.veritext.com

516-608-2400

NYCLD_038870

Linda Fairstein

	Page 57
1	A. In the preparation with 11:04:41
2	detectives for the trial of the case. So 11:04:43
3	she did not have to come to me to get 11:04:45
4	permission to assign detectives for daily 11:04:48
5	work with her. 11:04:52
6	Q. Were you involved in assisting 11:04:53
7	Ms. Lederer and/or Mr. Clements in any way 11:04:56
8	in the preparation for the trials and the 11:05:02
9	prosecutions themselves? 11:05:06
10	A. In some respects, yes. 11:05:10
11	Q. In what respects? 11:05:14
12	A. If Ms. Lederer wanted to discuss 11:05:16
13	an issue with me or a matter with me, she 11:05:21
14	would call me and we met. 11:05:24
15	I don't believe I ever met with 11:05:27
16	Mr. Clements in the preparation of the 11:05:29
17	case for trial. That's a strong statement 11:05:31
18	ever. I don't recall meeting with Mr. 11:05:33
19	Clements during the preparation for either 11:05:37
20	trial. 11:05:41
21	Q. Can you tell us who the lawyers 11:05:41
22	were who were involved in the team that 11:05:45
23	prosecuted the defendants outside of 11:05:49
24	Lederer and Clements? 11:05:52
25	A. Okay. Yes. The layers of 11:05:53

VERITEXT REPORTING COMPANY

212-267-6868

www.veritext.com

516-608-2400

NYCLD_038925

Linda Fairstein

	Page 58
1 supervision included Ms. Lederer's three	11:06:03
2 Trial Bureau 40 supervisors.	11:06:07
3 Q. Who?	11:06:09
4 A. John Hogan was the bureau chief	11:06:10
5 in Trial Bureau 40. And also a former	11:06:13
6 member of the Sex Crimes Prosecution Unit.	11:06:18
7 Dan McNulty was, I believe, charged with	11:06:22
8 much of the supervision direct on a daily	11:06:28
9 basis for Ms. Lederer and Mr. McNulty. He	11:06:32
10 was their Deputy Bureau Chief in Trial	11:06:36
11 Bureau 40. I believe the Second Deputy	11:06:41
12 was Mr. Cronin, Steve Cronin.	11:06:43
13 Q. Can you spell that?	11:06:45
14 A. C-R-O-N-I-N.	11:06:45
15 Q. Go on.	11:06:48
16 A. And then I was, in the sense of	11:06:49
17 the sex crimes work, a supervisor. The	11:06:59
18 chief of the Trial Division to whom I	11:07:02
19 reported was also in the supervisory role	11:07:04
20 in this case.	11:07:09
21 Q. Who was that?	11:07:10
22 A. It was at first John Fried when	11:07:11
23 the case was assigned in April 1989. He	11:07:16
24 left the office, a date you can ascertain	11:07:22
25 but probably 1990, replaced by Nancy Ryan	11:07:28

VERITEXT REPORTING COMPANY

212-267-6868

www.veritext.com

516-608-2400

NYCLD_038926

Linda Fairstein

	Page 59
1 who was then a supervisor.	11:07:32
2 And then up the chain of	11:07:37
3 command, the Chief Assistant District	11:07:39
4 Attorney and Mr. Morgenthau himself.	11:07:41
5 Q. Did you ever talk to Mr.	11:07:44
6 Morgenthau during the period this case was	11:07:47
7 pending before the convictions about	11:07:49
8 anything having to do with the charges,	11:07:51
9 the indictments and the prosecution?	11:07:56
10 MS. DAITZ: Objection to form.	11:07:58
11 A. Did I ever speak?	11:08:00
12 Q. In that period of time.	11:08:03
13 A. In the period of time from April	11:08:05
14 20, 1989 --	11:08:07
15 Q. Right.	11:08:09
16 A. -- to the convictions?	11:08:09
17 Q. Right.	11:08:11
18 A. Frequently.	11:08:12
19 Q. Did you talk about issues in the	11:08:13
20 case with him?	11:08:15
21 A. Yes, I did.	11:08:16
22 Q. How often?	11:08:17
23 A. Well, in what period of time?	11:08:18
24 Q. In that period of time.	11:08:22
25 A. It varied from the morning of	11:08:24

VERITEXT REPORTING COMPANY

212-267-6868

www.veritext.com

516-608-2400

NYCLD_038927

Linda Fairstein

	Page 60
1 April 20th for a month or six weeks, he	11:08:28
2 called me into him several times a day	11:08:34
3 every day. There were periods where we	11:08:37
4 didn't speak as frequently.	11:08:43
5 He asked me, I was the person	11:08:47
6 who he called in this particular case. He	11:08:50
7 expected me to give him information from	11:08:55
8 Ms. Lederer and her team that were updates	11:08:58
9 of any kind. So I saw him during that	11:09:01
10 period. And more frequently during the	11:09:05
11 hearings of the case and the trial.	11:09:09
12 Q. If I can remember correctly, in	11:09:13
13 your answer, maybe an answer or so ago,	11:09:23
14 you said something about your assisting in	11:09:26
15 the sex crime aspects of the prosecution.	11:09:28
16 What did you mean by that?	11:09:32
17 A. As you are well aware, there	11:09:33
18 were many charges in this case. And in	11:09:38
19 addition to the five plaintiffs in this	11:09:43
20 case, there were many offenders charged	11:09:44
21 with acts not related to a sexual assault	11:09:50
22 but to physical assaults and to riot, and	11:09:55
23 many of them ultimately to be charged in	11:09:58
24 Juvenile Court.	11:10:01
25 And for all of those issues, Ms.	11:10:04

VERITEXT REPORTING COMPANY

212-267-6868

www.veritext.com

516-608-2400